

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Matthew Chaves	Team: Squad #7	CCRB Case #: 201902427	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 03/10/2019 7:30 PM	Location of Incident: 47th Precinct stationhouse	Precinct: 47	18 Mo. SOL 9/10/2020	EO SOL 4/27/2021	
Date/Time CV Reported Sun, 03/10/2019 10:58 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 03/20/2019 11:02 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Joseph Signorile	03197	949663	PBBX SU
2. POM Omar Habib	00748	942899	047 PCT
3. POM Michael Abbruzzese	06138	955701	047 PCT
4. POM Michael Pascale	05708	957008	047 PCT
5. POM Erick Landaverde	26042	964107	047 PCT
6. Officers			047 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Julio Veras	18693	959343	047 PCT
2. POF Jeannette Lopez	862	955087	047 PCT
3. POM Daniel Bergamini	11304	955754	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Joseph Signorile	Force: Sergeant Joseph Signorile used physical force against § 87(2)(b)	
B.POM Omar Habib	Force: Police Officer Omar Habib used physical force against § 87(2)(b)	
C.POM Michael Abbruzzese	Force: Police Officer Michael Abbruzzese used physical force against § 87(2)(b)	
D.POM Michael Pascale	Force: Police Officer Michael Pascale used physical force against an individual.	
E.POM Erick Landaverde	Force: Police Officer Erick Landaverde used physical force against an individual.	
F.SGT Joseph Signorile	Force: Sergeant Joseph Signorile used physical force against § 87(2)(b)	
G. Officers	Force: Officers used physical force against § 87(2)(b)	
H.POM Omar Habib	Force: Police Officer Omar Habib used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
I.SGT Joseph Signorile	Discourtesy: Sergeant Joseph Signorile spoke discourteously to § 87(2)(b)	
J.SGT Joseph Signorile	Abuse: Sergeant Joseph Signorile did not obtain medical treatment for § 87(2)(b)	
K.POM Omar Habib	Discourtesy: Police Officer Omar Habib spoke discourteously to § 87(2)(b)	
L.POM Omar Habib	Abuse: Police Officer Omar Habib did not obtain medical treatment for § 87(2)(b)	
M.POM Omar Habib	Discourtesy: Police Officer Omar Habib spoke discourteously to § 87(2)(b)	
N.POM Omar Habib	Discourtesy: Police Officer Omar Habib spoke discourteously to § 87(2)(b)	

Case Summary

On March 10, 2019, Sergeant Joseph Signorile of the 47th Precinct called IAB and reported the following incident, which received original log number 19-9545. It was referred to the CCRB as referral log number 2019-9909, where it was received on March 20, 2019.

At approximately 7:30 p.m. on March 10, 2019, § 87(2)(b) and a mutual friend who they declined to identify entered the 47th Precinct stationhouse, located at 4111 Laconia Avenue in the Bronx. § 87(2)(b) and § 87(2)(b) had been arrested the previous night during a vehicle stop (see CCRB complaint number § 87(2)(b) and went to the stationhouse to retrieve vouchered property after being released from criminal court. Their friend chose to accompany them.

The civilians spoke to Police Officer Omar Habib of the 47th Precinct, but he was unable to provide their property. The civilians argued with Police Officer Habib and more officers, including Sergeant Signorile, approached them. Officers surrounded the civilians, and § 87(2)(b) Sergeant Signorile, and Officer Habib began to fight (**Allegation A: Force: Physical Force: § 87(2)(g)**, **Allegation B: Force: Physical Force: § 87(2)(g)**). Police Officer Michael Abbruzzese of the 47th Precinct pushed and pulled § 87(2)(b) out of the stationhouse lobby (**Allegation C: Force: Physical Force: § 87(2)(g)**) while Police Officer Michael Pascale and Police Officer Erick Landaverde of the 47th Precinct wrestled the unidentified civilian away from § 87(2)(b) and up against a wall (**Allegation D: Force: Physical Force: § 87(2)(g)**, **Allegation E: Force: Physical Force: § 87(2)(g)**).

Sergeant Signorile punched § 87(2)(b) in the face (**Allegation F: Force: Physical Force: § 87(2)(g)**) and multiple officers tried to take § 87(2)(b) to the ground (**Allegation G: Force: Physical Force: § 87(2)(g)**). They eventually succeeded and struggled to handcuff him. Police Officer Habib allegedly struck § 87(2)(b) at this point (**Allegation H: Force: Physical Force: § 87(2)(g)**).

Officers handcuffed § 87(2)(b) and escorted him to the stationhouse desk. § 87(2)(b) asked to go to a hospital, but Sergeant Signorile responded, “Fuck you! You ain’t going nowhere but a fucking jail cell! Fuck you!” (**Allegation I: Discourtesy: Word: § 87(2)(g)**, **Allegation J: Abuse of Authority: Refusal to Obtain Medical Treatment: § 87(2)(g)**).

Officers escorted § 87(2)(b) to a holding cell as he continued to argue and object to his detainment. Police Officer Habib told § 87(2)(b) to “exercise the right to shut the fuck up” (**Allegation K: Discourtesy: Word: § 87(2)(g)**). § 87(2)(b) again asked to go to a hospital, but Police Officer Habib said, “Last time I checked you don’t go to the hospital for a headache, asshole” (**Allegation L: Abuse of Authority: Refusal to Obtain Medical Treatment: § 87(2)(g)**, **Allegation M: Discourtesy: Word: § 87(2)(g)**). Police Officer Habib then approached Sergeant Signorile at the stationhouse desk and said “He’s a dick” (**Allegation N: Discourtesy: Word: § 87(2)(g)**).

The NYPD provided one hour of stationhouse surveillance video that encompasses portions of this incident (**Board Review 01**), and the investigation used Input Ace to produce a shorter sub-clip that highlights many of the force allegations (**Board Review 02**).

The investigation also obtained BWC video from Police Officer Julio Veras of the

47th Precinct (**Board Review 03, 05, and 06**), Police Officer Pascale (**Board Review 04**), Police Officer Habib (**Board Review 07**), and Police Officer Landaverde (**Board Review 08**).

Findings and Recommendations

Allegation A – Force: Sergeant Joseph Signorile used physical force against § 87(2)(b)

Allegation B – Force: Police Officer Omar Habib used physical force against § 87(2)(b)

Allegation C – Force: Police Officer Michael Abbruzzese used physical force against

§ 87(2)(b)

Allegation D – Force: Police Officer Michael Pascale used physical force against an individual.

Allegation E – Force: Police Officer Erick Landaverde used physical force against an individual.

Allegation F – Force: Sergeant Joseph Signorile used physical force against § 87(2)(b)

Allegation G – Force: Officers used physical force against § 87(2)(b)

§ 87(2)(b) provided a sworn statement at the CCRB on August 21, 2019 (**Board Review 09**). Police Officer Habib was interviewed on December 16, 2019 (**Board Review 10**). Sergeant Signorile was interviewed on January 28, 2020 (**Board Review 11**).

§ 87(2)(b) and the interviewed officers provided similar accounts of the first phase of this incident, and these accounts are consistent with the stationhouse and BWC videos. The civilians waited in the stationhouse lobby, periodically speaking to Police Officer Habib and other officers, for approximately 30 minutes about retrieving their vouchered property (12:45 to 43:20 of **Board Review 01**). Police Officer Habib told them that he could not release their property without them going to the Bronx DA's office to obtain that agency's authorization.

§ 87(2)(b) (wearing a black and orange coat over a red hooded sweatshirt, with medium-length hair and full facial hair), § 87(2)(b) (wearing a maroon coat and a black hood over his head), and § 87(2)(b) (wearing a black coat with a fur-trimmed hood and a separate black hood over his head) argued with Police Officer Habib, and he offered to make photocopies of the relevant vouchers so that the civilians could show them to the DA's staff. As Police Officer Habib walked to the property storage room to make these copies (0:01 of **Board Review 02**), Sergeant Signorile and other officers approached the incident. Sergeant Signorile loudly ordered the civilians to leave, telling them that their business in the stationhouse was over. Police Officer Veras' BWC video shows Sergeant Signorile telling the civilians "That's it, that's it, we're done" (0:26 to 0:47 of **Board Review 03**).

§ 87(2)(b) and § 87(2)(b) remained where they were and continued to argue for their property. Their friend left his seat near the stationhouse door and approached the argument (0:10 of **Board Review 02**, note the male wearing a black San Antonio Spurs hooded sweatshirt with the hood on his head). At this point there were multiple uninvolved civilians waiting in the stationhouse lobby, and people were regularly entering the lobby through the nearby door. The incident happened directly at the edge of a

four-step set of stairs leading to the door.

Multiple officers surrounded the civilians, and § 87(2)(b) and their friend all tried to convince § 87(2)(b) to leave. However, he became more upset (apparently shouting and gesturing rapidly) and refused to leave. § 87(2)(b) and two different officers all tried to touch or grasp § 87(2)(b)'s wrist or arm, but he yanked his arms away from all of them. Sergeant Signorile grabbed § 87(2)(b) around the arms and torso from behind, while Police Officer Habib grabbed his sweatshirt hood (0:45 of **Board Review 02**). At almost the same time, Police Officer Pascale began hand-fighting with the unidentified civilian, eventually gripping his clothing and pushing him against the stationhouse wall. Police Officer Landaverde then approached this struggle, helped Police Officer Pascale bring the civilian down the stationhouse stairs, and helped handcuff the civilian (0:55 to 1:30 of **Board Review 02**).

Police Officer Abbruzzese grabbed § 87(2)(b) by the right side of his chest and back, separated him from § 87(2)(b) and pushed him down the stairs to the stationhouse door. § 87(2)(b) pushed back against Police Officer Abbruzzese and tried to free his arms from his grip, but Police Officer Abbruzzese succeeded in pushing him out the door and on to the sidewalk (0:50 to 1:10 of **Board Review 02**).

As § 87(2)(b) and the unidentified civilian struggled with other officers, § 87(2)(b) continued to fight Police Officer Habib and Sergeant Signorile. § 87(2)(b) and Sergeant Signorile grabbed each other's clothing at the neck and shoulders as at least two other officers grabbed § 87(2)(b)'s back and leg from behind. The stationhouse video does not clearly capture this portion of the incident, as § 87(2)(b) Sergeant Signorile, and Police Officer Habib rapidly move in and out of the video frame. The only BWC video to encompass this timeframe (PO Pascale's) is also unclear, with multiple officers' bodies blocking § 87(2)(b) from view and the camera turning away as the struggle is still unfolding (see 0:20 to 0:40 of **Board Review 04**).

However, § 87(2)(b) alleged in his sworn statement that an officer punched him multiple times in the head and face at approximately this point in the incident. In his interview, Sgt. Signorile acknowledged punching § 87(2)(b) once in the face with a closed fist and explained that he did this to overcome § 87(2)(b)'s resistance.

Multiple officers, including Police Officer Habib, tackled § 87(2)(b) to the stationhouse floor (1:00 to 1:20 of **Board Review 02**).

According to their NYPD MOS photos, Police Officer Habib is § 87(2)(b), while Sergeant Signorile is § 87(2)(b). According to his arrest photograph from this incident, § 87(2)(b) is § 87(2)(b) (**Board Review 12**).

Under NYPD Patrol Guide Procedure 221-01, an officer may use force to ensure the safety of officers and civilians or to place a person in custody. The use of force must always be reasonable under the circumstances. In determining whether the use of force is reasonable, officers should consider numerous factors, including the subject's actions, the immediacy of possible harm to the subject, officer, and/or bystanders, whether the subject is actively resisting custody, and the size, age, and condition of the subject in comparison to officers (**Board Review 13**).

§ 87(2)(g)

§ 87(2)(g) Officers indicated that the civilians needed to leave, both verbally (Sergeant Signorile's shouted instructions) and physically (multiple officers surrounding the civilians and gesturing to guide them out).

§ 87(2)(g)

§ 87(2)(g)

Allegation H – Force: Police Officer Omar Habib used physical force against § 87(2)(b)

In his sworn statement, § 87(2)(b) stated that once he was on the stationhouse floor, an officer or officers told him to put his hands behind his back. However, he could not comply with this instruction because an officer was on his back. An officer or officers struck § 87(2)(b) approximately four times in the right side of his back. The officers then handcuffed him.

The stationhouse surveillance video does not show this portion of the incident, as § 87(2)(b) and several officers fell to the floor outside of the video frame. Police Officer Veras' BWC was the only one to record this portion of the incident, and this video is not clear or comprehensive (**Board Review 05**). At 0:25, officers bring § 87(2)(b) to the floor. At 0:29, Police Officer Habib appears to elbow or punch § 87(2)(b) at least once, but the action is blurry and obscured. A female civilian's voice then calls out "stop, stop" and a male voice, apparently Police Officer Veras, says "Yo, Habib." Throughout this portion of the video, it is not possible to clearly see § 87(2)(b)'s or the involved officers' positions and actions.

In his interview, Police Officer Habib viewed and discussed this BWC video. He described § 87(2)(b) as strongly resisting the officers' attempts to handcuff him by clenching his arms underneath his body and refusing to put them behind his back as ordered. Police Officer Habib acknowledged landing one elbow strike on § 87(2)(b) at 0:29 in the video, but did not recall where on § 87(2)(b)'s body this elbow strike landed. The investigation asked Police Officer Habib if he struck § 87(2)(b) again between 0:31 and 0:33 in the video. He denied doing so and explained that instead, he grappled with § 87(2)(b) and tried to get a grip on his wrist. He stated that Police Officer Veras said "Yo, Habib" because the two officers were near one another, and that the female civilian yelled

“stop” because the sight of multiple officers restraining someone on the floor was inherently unpleasant.

§ 87(2)(g)

Allegation I – Discourtesy: Sergeant Joseph Signorile spoke discourteously to § 87(2)(b)

Allegation J – Abuse of Authority: Sergeant Joseph Signorile did not obtain medical treatment for § 87(2)(b)

Allegation K – Discourtesy: Police Officer Omar Habib spoke discourteously to § 87(2)(b)

Allegation L – Abuse of Authority: Police Officer Omar Habib did not obtain medical treatment for § 87(2)(b)

Allegation M – Discourtesy: Police Officer Omar Habib spoke discourteously to § 87(2)(b)

Allegation N – Discourtesy: Police Officer Omar Habib spoke discourteously to § 87(2)(b)

After officers handcuffed § 87(2)(b) they escorted him to the stationhouse desk. § 87(2)(b) asked to go to the hospital, and Sergeant Signorile shouted “Fuck you! You ain’t going nowhere but a fucking jail cell! Fuck you!” (2:00 to 2:39 of Police Officer Veras’ BWC video, **Board Review 05**). In his interview, Sergeant Signorile acknowledged saying this, that the situation was a heated moment, and that he was the assigned desk sergeant during this incident.

§ 87(2)(b) was escorted away from the desk and into the holding cell hallway. Police Officer Habib tried to convince him to calm down and comply with officers’ instructions, but § 87(2)(b) remained upset. Police Officer Habib told him to “Exercise your right to shut the fuck up” (0:54 of Police Officer Habib’s BWC video, **Board Review 07**). § 87(2)(b) again asked to go to a hospital, and Police Officer Habib walked away while saying “Last time I checked you don’t go to the hospital for a headache, asshole” (3:00 of **Board Review 07**). Police Officer Habib then went to the stationhouse desk and told Sergeant Signorile “He’s a dick” (3:24 of **Board Review 07**). In his interview, Police Officer Habib acknowledged making all three of these statements. He did not offer any justification or explanation of the first two profanities, but said that he said “He’s a dick” to Sergeant Signorile and not a civilian.

In his interview, § 87(2)(b) stated that EMTs examined him at the stationhouse and transported him to a hospital. Police Officer Habib prepared a Medical Treatment of Prisoner Report (MTPR) regarding this incident, and Sergeant Signorile approved it (**Board Review 14**). Police Officer Habib documented that § 87(2)(b) requested medical treatment for possible internal swelling, neck and back pain, and a headache. He received

treatment at § 87(2)(b).

Under NYPD Patrol Guide Procedure 200-02, officers are required to treat every civilian with compassion, courtesy, professionalism, and respect (**Board Review 15**). Under NYPD Patrol Guide Procedure 210-04, officers are required to obtain medical treatment for all prisoners that require it (**Board Review 16**).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
- § 87(2)(b)
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
- Sergeant Signorile has been a member of service for nine years and has been a subject of eight other CCRB complaints and 21 other allegations, four of which were substantiated.

§ 87(2)(g)

 - § 87(4-b), § 87(2)(g)
 - CCRB complaint number 201601216 involved substantiated allegations of frisk, search of person, and vehicle search against Sergeant Signorile. The

CCRB recommended Command Discipline B and the NYPD enforced Command Discipline A.

- Police Officer Habib has been a member of service for 13 years and has been a subject in three other CCRB complaints and eight other allegations, six of which were substantiated. In two previous complaints, the CCRB substantiated force allegations against Police Officer Habib.
 - CCRB complaint number 200914904 involved a substantiated allegation of physical force against Police Officer Habib. The CCRB recommended Command Discipline and the NYPD penalized Police Officer Habib 35 vacation days and five days suspension.
 - CCRB complaint number 201602469 involved substantiated allegations of stop and retaliatory summons against Police Officer Habib. The CCRB recommended Command Discipline B and the NYPD enforced Command Discipline A.
 - CCRB complaint number 201801230 involves substantiated allegations of stop, physical force, and chokehold against Police Officer Habib. The CCRB recommended charges and the NYPD has not yet reached a disposition.
- Police Officer Abbruzzese has been a member of service for six years and this is the first CCRB complaint to which he has been a subject.
- Police Officer Pascale has been a member of service for five years and this is the first CCRB complaint to which he has been a subject.
- Police Officer Abbruzzese has been a member of service for two years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- This complaint was unsuitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the Office of the New York City Comptroller regarding this incident and the associated one from March 9, 2019. Regarding this specific incident, § 87(2)(b) alleged he was pushed by officers and that officers did not return his property. Regarding both incidents, § 87(2)(b) claimed a total of \$200,000 in damages (**Board Review 19**).
- § 87(2)(b) [REDACTED]
[REDACTED] (**Board Review 20**).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of criminal convictions in New York City (**Board Review 21**).

Squad No.: 7

Investigator:	<u>Matthew Chaves</u> Signature	<u>SI Matthew Chaves</u> Print Title & Name	<u>04/10/2020</u> Date
Squad Leader:	_____ Signature	_____ Print Title & Name	_____ Date

Manager Vanessa Rosen

April 14, 2020

Reviewer: _____
Signature Print Title & Name Date